

July 15, 2024

Writer's Direct Contact
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BMatsui@mofocom**Via ECF**Jarrett B. Perlow, Clerk of the Court
Office of the Clerk
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, NW
Washington, DC 20439Re: *DNA Genotek Inc. v. Spectrum Solutions LLC*, No. 23-2017

Dear Mr. Perlow:

DNA Genotek writes to notify the Court that the issues raised in this appeal have been narrowed. DNA Genotek's opening appeal brief originally raised two distinct issues: (1) whether to vacate the district court's judgment of noninfringement for claims of U.S. Patent No. 10,619,187; and (2) whether to vacate the district court's judgment of noninfringement for claims of U.S. Patent No. 11,002,646. ECF 13 at 3. After DNA Genotek filed its opening appeal brief and Spectrum Solutions filed its response, the Patent Trial and Appeal Board issued a Final Written Decision in IPR2022-01347 finding unpatentable all claims of the '646 patent that were asserted in this case. Although DNA Genotek initially appealed the Board's decision to this Court, before any briefing in that appeal commenced DNA Genotek and Spectrum Solutions stipulated to voluntary dismissal of that appeal, which this Court granted. *DNA Genotek Inc. v. Spectrum Solutions LLC*, No. 24-1840, ECF Nos. 12, 13. Because the asserted claims of the '646 patent have now been finally determined to be unpatentable, DNA Genotek is no longer pressing its arguments on that patent's claims in this appeal.

This appeal nevertheless remains in dispute. DNA Genotek continues to press issue (1) and its arguments about the '187 patent, which is from a different patent family and is unaffected by the Board's decision on the '646 patent.

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No order or other action is required or requested of the Court at this time.

Respectfully submitted,

/s/ Brian R. Matsui

Brian R. Matsui

cc: All counsel of record (via ECF)

CERTIFICATE OF COMPLIANCE

This letter complies with the type-volume limitation of Federal Rule of Appellate Procedure 28(j) because the body of the letter contains 238 words.

Dated: July 15, 2024

/s/ Brian R. Matsui
Brian R. Matsui